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DOC #:
DATE FILED: 03/09/2015

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CACHE, INC.,

Plaintiff,

- against -

ONE ROCKWELL CORP.,

Defendant.
-----X

NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

O R D E R

14 Civ. 8862 (NRB)

Plaintiff filed its complaint in New York Supreme Court on October 7, 2014. Defendant timely removed the case to this Court and filed counterclaims. We held a pre-trial conference on January 20, 2015, at which we set a schedule for document discovery and invited the parties to discuss settlement.


Soon after our pre-trial conference, plaintiff filed for bankruptcy, thereby automatically staying defendant's counterclaims in this Court. See 11 U.S.C. § 362(a); Voluntary Pet'n, In re Caché, Inc., No. 15-10172 (Bankr. D. Del.), Feb. 4, 2015, ECF No. 1. Although the automatic stay does not prevent plaintiff from maintaining its own claims in this Court, plaintiff has not taken any steps to pursue its claims since its bankruptcy, and plaintiff's counsel has informed the Court that plaintiff does not expect to do so.

Accordingly, we direct plaintiff (or its successor-in-interest) to inform the Court within 30 days of this Order if plaintiff (or its successor-in-interest) wishes to actively pursue its pending claims. Otherwise, we will dismiss plaintiff's claims without prejudice without further notice.

In recognition that plaintiff recently auctioned many of its assets, see Notice of Results of Auction, In re Caché, Mar. 3, 2015, ECF No. 257, we are sending a copy of this Order to plaintiff's general counsel, who has appeared in this case; plaintiff's bankruptcy counsel, who filed a notice of bankruptcy in this case; and counsel for the winner of the bankruptcy auction (Great American Group, LLC). In so doing, we express no opinion as to whether plaintiff's claim was included in the basket of auctioned assets (assuming that the Bankruptcy Court approves the contemplated sale).

SO ORDERED.

Dated: New York, New York
March 9, 2015


NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

Copies of the foregoing Order have been mailed on this date to the following:

Plaintiff's General Counsel:

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Plaintiff's Bankruptcy Counsel:

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